UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.11
24 June 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 March 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-11815 (E)

The meeting was called to order at 10 a.m.

STATEMENT BY MRS. ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

1. Mrs. LINDH (Sweden) said that despite some progress - the decision to establish an International Criminal Court, the adoption of a Declaration on Human Rights Defenders, and increased public awareness about human rights coinciding with the fiftieth anniversary of the Universal Declaration of Human Rights - many violations of human rights were still committed throughout the world.

2. In Kosovo a new tragedy of ethnic cleansing was unfolding and the refugees were numbered in thousands. In Turkey, the Kurdish people were denied their rights. The Turkish Government, which should engage in a dialogue with the democratic forces among the Kurdish people, had instead recently banned the Democratic Party of the Masses, an organization not linked to the PKK. In China dissidents were being sent to prison. In Sierra Leone children were being used as soldiers and maimed. In Colombia human rights defenders, particularly trade unionists, were being killed. In the Islamic Republic of Iran authors were being killed on account of their writings. In all parts of the world millions of refugees had lost everything - country, home, and job - and no longer had access to education or medical care. It must not be forgotten that responsibility for ensuring respect for human rights rested primarily with States.

3. It was important to give prominence to the rights of the child. The Convention on the Rights of the Child, which, it was to be hoped, would become the first universally ratified convention by the time of its tenth anniversary, was yet to be universally applied. Throughout the world, children continued to suffer serious violations of their rights: 300,000 children were recruited as soldiers in armed conflicts, 11 million were victims of prostitution and sex trafficking, 250 million were used as child labour, 160 million suffered from hunger and starvation, 125 million were deprived of education and 25 million were denied a home country. Those children were to be found in rich as well as poor countries, in the North as well as the South. Sweden's former Premier, Mr. Ingvar Carlsson, had been one of the prime movers behind the World Summit for Children held in 1990. It was now time to assess the progress made and establish the agenda for future action. One objective was education, a field in which great progress had been made. On the question of child soldiers, Sweden was of the view that a minimum age limit of 18 years should be established for recruitment. It urged all States to agree to an optional protocol to the Convention on the Rights of the Child covering that question.

4. The right to life was a fundamental right, and the death penalty was unacceptable. While the fact that countries such as Azerbaijan, Bulgaria and Lithuania had abolished capital punishment was to be welcomed, it was regrettable that in others - such as the United States of America, China and Saudi Arabia - persons continued to be executed in circumstances that were not always in conformity with international standards. It was also regrettable that some States, such as Ukraine and the Philippines, were considering reintroducing the death penalty.

5. Torture continued to be practised in a large number of countries. It was the responsibility of Governments to bring the perpetrators to justice. The Swedish authorities were following closely the measures taken in Turkey, Myanmar, Israel and the Palestinian territories to curtail that practice. She also welcomed China's invitation to the Special Rapporteur on the question of torture to visit that country.

6. The Swedish Government would participate actively in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001. In 1998 it had launched a nationwide project called "Living History", to raise awareness among young people about the Holocaust. Racism and intolerance must be fought by each generation and by every society. Specific measures must be taken in every country to protect the rights of particularly vulnerable groups. In Sweden, for example, persons with foreign names and dark complexions found it difficult to get a job. The Government was currently preparing a national human rights plan.

7. Various measures could be taken to strengthen the effectiveness of international human rights instruments. First, they must be implemented more efficiently, which required firmer political will and adequate financial resources. Secondly, all States should ratify the Statute of the International Criminal Court without delay. In that connection, she welcomed the recent decision by the United Kingdom House of Lords concerning General Pinochet. Thirdly, the existing gap between human rights and international humanitarian law must be filled. That could be done, either by identifying humanitarian standards universally applicable in all circumstances, or by establishing a subcommittee on international humanitarian law. Sweden was planning to host a second follow-up seminar on that issue in the year 2000. Fourthly, consideration should be given to establishing an independent petition council with the task of hearing petitions from members of civil society. That body would have no legal power but could come to exert strong moral authority, and could make recommendations to the Secretary-General, the Security Council and the General Assembly.

8. The Swedish Government had long believed that the right to development and human rights went hand in hand. Economic progress encouraged respect for human rights, and vice versa. No human being should be forced to choose between bread and freedom.

STATEMENT BY MR. DEREK FATCHETT, MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

9. Mr. FATCHETT (United Kingdom) reiterated the United Kingdom's full support for the statement made on behalf of the European Union by Mr. Joschka Fischer. Referring to the situation in Kosovo, where thousands of people had fled Serbian repression, he said that that humanitarian catastrophe must be halted. The perpetrators of that appalling violence should be under no illusion: they would be brought to justice.

10. Human rights began at home. The United Kingdom Government had addressed the task of tackling racism. Following the publication, on 24 February 1999, of the report of the Inquiry into the death of Stephen Lawrence, murdered in a

horrendous racist attack in London six years previously, the Home Secretary had published an Action Plan to combat racism, in partnership with the police, criminal justice agencies and other institutions.

11. As to development assistance, the United Kingdom, recognizing the link between poverty and the denial of human rights, was emphasizing the principles of good governance, democracy and the rule of law. In addition, it had set itself the target of reducing third world debt by $50 billion by the year 2000. Lastly, it had increased its aid budget by 28 per cent in real terms.

12. Tackling poverty was only one aspect of protection of human rights. It was also necessary to support those who defended those rights, often heroically. One such example was Rosemary Nelson, a solicitor who had recently been murdered in Northern Ireland. That barbarous act had been condemned by the United Kingdom Prime Minister, Tony Blair, who had promised that no effort would be spared to bring those responsible to justice.

13. States must take practical measures to secure implementation of the Declaration on Human Rights Defenders. Sadly, in some countries, simply to set up political parties was regarded as a crime and individuals who spoke out on behalf of others' rights knew they were risking their lives. One could not turn a blind eye when pro-democracy campaigners were treated as a threat to State security, denied a fair trial and given disproportionate sentences. That was what was happening in China, and it was all the more worrying because the Chinese Government had signed the International Covenant on Civil and Political Rights. In Colombia, where three United States humanitarian workers had been murdered on 4 March 1999, human rights defenders faced daily threats to their lives. Even in Europe, particularly in Belarus, those who spoke out for democracy could not always do so without fear.

14. Turning to the question of the rights of the child, he stressed the urgency of the situation in that field. Too many children were forcibly conscripted into armed conflicts, exploited in sweatshops, or condemned to satisfy adults' sexual demands. The situation of children must be a major concern of every mechanism of the Commission.

15. Those various objectives - combating poverty while ensuring respect for human rights, protecting human rights defenders and safeguarding children's rights - could only be achieved by strengthening the United Nations mechanisms. In that connection, the review of that machinery prepared by the Bureau of the previous session merited constructive discussion. Those mechanisms must be taken seriously. That meant, as a first step, signing and ratifying the international instruments, and putting them into practice thereafter. It also meant allowing special rapporteurs and working groups to visit countries. When they were denied access, the inference was that States had something to hide. It was particularly disappointing that Algeria had chosen not to cooperate with special rapporteurs.

16. The United Kingdom, which had just completed a review of its commitments in that field, would that same day be signing the Second Optional Protocol to

the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The United Kingdom had also embarked on the process of accession to ILO Convention No. 111.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1996/6, 19, 20 and 118; E/CN.4/1999/NGO/1, 2, 10, 33 and 49)

17. Ms. GANDHI (Indian Council of Education) said that the Declaration on the Right to Development recognized that development was a comprehensive economic, social, cultural and political process, which aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Article 28 of the Universal Declaration of Human Rights provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. Yet currently, 20 per cent of the world's population received 80 per cent of world income and 1.4 billion people lived in absolute poverty. Those inequalities continued to grow as a result of the globalization of an economy founded on liberalization, which served further to weaken the developing countries.

18. The Commission must thus stress the need to create an international order based on justice, equity and solidarity. Those who, on the pretext of defending human rights, imposed embargoes and interfered in the domestic affairs of sovereign States, should abandon their policy of hegemony and their rhetorical advocacy of human rights, and instead work for the true defence of those rights, in particular the right to development.

19. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that the rural movements and small farmers' organizations affiliated to his organization bore witness to the enrichment of the few and the impoverishment of the many, and were forced to the bitter conclusion that agricultural policies based on neo-liberalist economic theories led to the withdrawal of State involvement, the marginalization of small farmers and the intensification of the power of the transnational corporations that controlled international trade in commodities, and in particular agricultural commodities. That was why they had opposed the draft Multilateral Agreement on Investment and supported the proposal for a tax on financial transactions made by the Association for the Taxation of Financial Transactions for the Benefit of Citizens (ATTAC).

20. Furthermore, with modest resources and far removed from the mainstream of trade and financial flows, they were managing to vitalize a grass-roots economy, proving that an alternative economic model was viable. In Mali, for example, a network of rural banks managed by small farmers had been created. In Benin, the establishment of small savings and credit cooperatives was making it possible to put in place income-generating and job-creating activities. In Honduras and Nicaragua, small farmers were setting up community outlets for consumer commodities. In Bangladesh, various organizations of small farmers were trying to establish a self-help force able to defend their rights, fight appropriation of their land by the rich, promote environment-friendly agriculture and exploit local know-how and traditional

resources. In the countries of the European Union, small farmers were refusing to give intensive production priority over employment and the environment, and were opting for alternative, people-oriented agriculture.

21. Lastly, his organization called upon States to look beyond their trade balances, blind subjection to the market and the trade rules imposed by the World Trade Organization, and instead to contribute to improving the tragic lot of entire rural populations.

22. Mr. ROSSARY (International Movement of Apostolate in the Independent Social Milieus) said that the elimination of poverty was the best means of promoting human rights in general and the right to development in particular. The cancellation of debt in the year 2000 would contribute greatly to achieving that objective. Reductions or reschedulings of debt by creditors, such as the Heavily Indebted Poor Countries Initiative, had proved insufficient.

23. His organization endorsed the recommendations made by Caritas Internationalis and International Cooperation for Development and Solidarity in the brochure entitled "Life, Not Debt". Writing off the debt of the 41 most heavily indebted countries would open up the way to sustainable and equitable development and would enable human rights to be strengthened.

24. Mr. RAMANNA (International Institute for Peace) said that scientific and technological progress, careful use of natural resources, peace, security, democracy and a market economy were the best guarantors of the right to development. However, sectarian extremist movements resorted to armed force in order to try to impose political systems that were the very antithesis of those values. In Indian-controlled Kashmir, for example, groups of fundamentalist terrorists had destroyed the economic and educational infrastructure, persecuted intellectuals and entrepreneurs, sought to set communities that had hitherto lived in harmony at loggerheads, and massacred Hindus.

25. In Afghanistan the Taliban flouted human rights in general and women's rights in particular, despite the fact that women had made a major contribution to the development of Afghan society.

26. If it wished to prevent the right to development from being called into question, the international community must not fail to take concerted steps to combat those movements.

27. Ms. GYSIN (Society for Threatened Peoples) said that over the past 25 years more than 8 million people from Java, Bali, Lombok and Madura had been resettled in sparsely populated areas of Indonesia in the name of "national development". That population transfer meant the violation of the rights of indigenous peoples, who were deprived of their lands and forced to abandon their traditional forms of agriculture. The migrants, too, sometimes lived in very poor conditions.

28. That policy was at the root of the bloody inter-ethnic clashes that had taken place in January 1999 on the island of Ambon and in March 1999 in Western Kalimantan. Similar violence was likely to erupt shortly in

estern Papua (Irian Jaya) and Timor. Her organization therefore urged the ommission to call upon the Indonesian Government to end the population ransfers in order to prevent further bloodshed.

9. Mr. PARY (Indian Movement "Tupaj Amaru") said that in the new nternational economic order, transnational corporations, which were the narchic and blind manifestations of the market economy, constituted the main bstacle to the exercise of economic and social rights and to the enjoyment by eoples of their natural resources. Free competition, the driving force ehind globalization, meant the dismantling of governmental structures and the hwarting of State power. It meant the emergence of a world without laws or orals, in which powerful monopolies' only criterion was maximization of rofits through plundering of resources and exploitation of the workforce.

30. In the face of inroads by finance capital, the absence of an international legal framework capable of regulating transnational corporations' investments worldwide was increasingly apparent. At present, the countries in which the transnational corporations had established themselves were incapable of subjecting them to legislation, because they had lost their negotiating power and had no legal means of controlling those corporations' foreign subsidiaries established on their territory.

31. Thus, it was first necessary to tackle the problem of the nationality of the transnational corporations, and secondly, to determine precisely their legal responsibilities with regard to damage to the planet, pollution of the environment, exclusion and extreme poverty. Harmonization of the developing countries' legal systems would fill the gap that currently prevented those countries from standing up to the dictatorship of transnational capital. His organization and the non-governmental organizations (NGOs) that shared its views were therefore calling on the Commission to adopt recommendations aimed at entrusting the Centre for Transnational Corporations with the following tasks: to determine the harmful effects of activities of the transnational corporations on the enjoyment of economic and social rights and, in particular, the right to development; to investigate the unlawful transfer of capital from the poor countries to the rich countries, and fraudulent stock market speculation; to determine the capital structure of the transnational corporations and their global strategy for market concentration at all levels; to examine the legality of mergers of transnational corporations and banks creating monopolies with unlimited powers; to regulate the misuse of international mechanisms such as the World Bank and International Monetary Fund by transnational corporations; and to study the way in which those corporations interfered in the political life of States through subornation and corruption.

32. Mr. KHAN (European Union of Public Relations) said that a people denied freedom and the right to exploit its own resources and whose territory was occupied could not exercise the right to development. That was the case with the people of Gilgit and Baltistan, an area of Jammu and Kashmir that had been occupied by Pakistan since 1947.

33. That region, which was larger than many countries in Western Europe, had no political representatives and no higher education institutions. The literacy rate was 14 per cent. Only persons holding a permit issued by

Islamabad were allowed to travel. The revenue derived from exploitation of the region's resources was appropriated by Pakistan in its entirety. Moreover, Pakistan was bringing in settlers from Punjab so as to alter the region's demographic composition.

34. His organization called upon the Commission to take steps to put an end to the exploitation of the region by Pakistan, and to enable its people to regain their freedom, freely to exploit their land and resources, and to exercise their right to development.

35. Ms. BIONDI (International Confederation of Free Trade Unions) said that her organization, which represented 125 million workers throughout the world, was deeply concerned at reverses in social progress and the intensification of poverty being witnessed in a number of countries.

36. A symposium on the Asian crisis organized recently by the International Labour Organization (ILO) had enumerated the problems bedevilling the countries most affected, namely, the Republic of Korea, Indonesia and Thailand: withdrawal of children from schools; reduced access to health-care services; higher rates of unemployment among women, school-leavers and older workers; malnutrition; and falling incomes and wages. It was probably no coincidence that in those same countries, trade unions had for decades been at best barely tolerated and at worst brutally suppressed.

37. The crisis had at least enabled those countries to gain a new awareness of the democratic and social dimension of development and the need for a social dialogue between Governments, trade unions and employers. In the year and a half since the start of the crisis, several Asian countries, including Thailand, Malaysia, the Republic of Korea, Viet Nam and Indonesia, had ratified various ILO conventions, including Convention No. 87 on freedom of association and protection of the right to organize, or had announced their intention of so doing. All the conditions for sustainable growth could thus be mustered.

38. Economic recovery and development for those regions required the construction of a new development model based on democracy, good governance, human rights in general and workers' rights in particular, including freedom of association.

39. Mr. GONZALES (International Indian Treaty Council) said that under the terms of the Declaration on the Right to Development, peoples had the right to self-determination and to exercise full sovereignty over all their natural wealth and resources. For indigenous peoples, all their other human rights could be realized only if their right to development was respected.

40. In Mexico, a Presidential Decree of 1939 had promised the people of Río Yaqui that the construction of two dams on their ancestral lands would not block their access to water from the River Yaqui. Yet Yaqui farmers now had to pay a prohibitive sum for permits to irrigate their land.

41. In North America, in the Great Lakes region, the Anishinabe, Ojibwe, Pottawatomie and Ottawa peoples were threatened by spills of toxic pollutants that endangered numerous species. The Port Belknap Indian community in the

American state of Montana, the Sokaogon Chippewa indigenous community in Wisconsin and the indigenous nations of the Yukon River also had to fight to protect their environment from pollution.

42. His organization urged the Commission to appoint a special rapporteur with the task of ensuring respect for the human rights of indigenous peoples, including their right to development. Not only the lives of indigenous peoples, but also the life of the earth and of the whole of humanity were at stake.

43. Mr. WAREHAM (International Association against Torture) said that the adoption of General Assembly resolution 41/128 of 4 December 1986 had been a product of the North/South confrontation and had led to fierce debate concerning the equality of all human rights, both civil and political on the one hand and economic, social and cultural on the other. He welcomed the fact that, by its resolution 1998/72, the Commission had decided to establish an open-ended working group to review progress made in that area. Hitherto the issue of development had been dominated by the developed countries. The institutions established to facilitate development, namely, the World Bank and the International Monetary Fund (IMF), had too often acted in the interests of the wealthy States and transnational corporations. When the socialist bloc had collapsed, the developing countries had had no choice but to jump aboard the globalization bandwagon. After investing in Asia in an attempt to maximize profits, the international financial institutions and allegedly "national" banks had summarily withdrawn their funds when the high hopes raised by the Asian tigers had been dashed, thereby seriously destabilizing the region. Those policies, and the structural adjustment measures imposed, ran counter to development objectives and had devastating effects on national economies. In particular, they eroded national sovereignty and led to a deterioration in the quality of life of working citizens.

44. The United States of America, the world's only super-Power, had a purely token interest in the right to development, and the embargo it imposed on Cuba was a glaring example of violation of that right. Its arrogance towards the rest of the world was such that it maintained that position despite its rejection by the entire international community at each General Assembly.

45. Moreover, the United States denied the 40 million Africans resident within its borders the right to development. His organization had described that nation of Africans as a "south in the north". Thirty years after the so-called civil rights reforms, about 40 per cent of black families lived below the poverty line. Living and working conditions of black farmers in the American South illustrated the racism and denial of access to economic means of development to which blacks were subjected. The independent expert and the open-ended working group on the right to development should focus on the underdevelopment of Africans in the United States, a state of affairs that had been ignored for too long.

46. Mr. QUIGLEY (Franciscans International) said that the good intentions expressed by many countries in the 1970s with regard to agrarian reform and redistribution of land had been short-lived, and that since the start of the 1980s a number of States had abandoned the attempt to control agricultural policy, instead giving free rein to the market. The international aid

agencies and donor countries had introduced legal procedures for land transactions and credit programmes in which the private sector played a dominant role. In Colombia, for example, Law No. 160 of 1994 providing a mechanism for market-based land transfers had aimed at reducing the inequality of land distribution and the very high level of poverty in rural areas. Under that system, potential buyers of land were granted 70 per cent of the sale price and participated in activities supported by the World Bank. Nevertheless, according to one United Nations study, that system had had only very limited success owing to the high prices imposed by landlords and narcotics dealers, the refusal of potential buyers to purchase land located in certain areas, and cumbersome bureaucracy.

47. In Brazil, since 1985 a land policy had been implemented aimed at pacifying the millions of discontented small farmers and landless workers while at the same time satisfying the interests of the multinational corporations and landlords. In a pastoral letter published in 1999, Brazil's Roman Catholic bishops had reproached the Brazilian Government for addressing problems piecemeal, applying an economic model that did not take account of small-scale producers, and failing to see that the Landless Movement (MST) and the Rural Union Movement were gaining ground and that there was a linkage between agrarian reform and the problem of unemployment. They had considered it a revealing fact that at a cabinet meeting on unemployment on 10 March 1999 not a single reference had been made to agrarian reform and that the only tools envisaged by the Brazilian authorities in combatting rural unemployment were a strengthening of family agriculture and support for the fruit industry, which was managed by the giant companies.

48. That overview of the situation in Colombia and Brazil illustrated the obstacles to the right to development. Without land, people could not support themselves; they were forced to leave rural areas and settle in the cities, where they often lived in deplorable conditions. The abandonment of agrarian reforms based on land redistribution in favour of market-oriented policies was causing havoc throughout Africa, Asia and the Americas.

49. Mr. SAPI (World Muslim Congress) drew attention to the preambular paragraphs to the Declaration on the Right to Development recalling the right of peoples to exercise full and complete sovereignty over all their natural wealth and resources. While most peoples enjoyed that right, many others, including the people of Palestine and the people of Kashmir, did not. The Declaration on the Right to Development was a fairly comprehensive instrument but had one significant gap: it contained no guidelines on how the natural wealth and resources of territories still under colonial or foreign domination were to be utilized so that the beneficiaries would be, not the Occupying Power, but the rightful owners of those resources. The other relevant international instrument, the Declaration on the Granting of Independence to Colonial Countries and Peoples, was also silent on that matter. As for the Geneva Conventions, they addressed short-term occupations in detail, but said nothing about situations of the kind seen in Palestine and the other occupied Arab territories, or in Kashmir. The conclusion to be drawn was that there was a legal vacuum with regard to the question of the right to development of peoples such as the Palestinians and Kashmiris.

50. The consequences of that situation had been disastrous. Kashmir was the poorest of all territories controlled illegally. It had a very low per capita income and a poor economic infrastructure, although it was rich in agricultural resources and tourist potential. Kashmir's riches thus benefited the Occupying Power and not its people. Measures should be taken as a matter of urgency to remedy that situation, failing which the Occupying Power would exhaust Kashmir's natural resources. There was already evidence of deforestation. His organization called on the Commission to take into account, in the resolution it adopted on the right to development, the plight of peoples such as the Palestinians and Kashmiris, to prohibit the exploitation of the natural resources of occupied territories by the Occupying Power, and to declare that no one had any right to utilize those resources except the people to whom they belonged.

51. The CHAIRPERSON declared the general debate on agenda item 7 closed.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/1999/5, 21-24, 106 and 108; E/CN.4/1999/NGO/15, 34, 47 and 55)

52. Mr. HALINEN (Special Rapporteur on the situation of human rights in the Palestinian authorities occupied since 1967) introduced his report (E/CN.4/1999/24). Welcoming the emphasis placed by several speakers on the link between peace, democracy and human rights, he said that was the key principle underlying his report. More and more convinced that respect for human rights was a sine qua non for sustainable peace, he believed that the issue should be tackled in political and economic discussions, and regretted the fact that the question of security had been interpreted in the narrow sense, without taking account of human rights and humanitarian law. He urged both parties to look at the human rights situation not only from their own perspective, but also jointly, with a view to putting an end to violations - including, of course, the foreign occupation - and building mutual confidence. Amending the Special Rapporteur's mandate would help depoliticize the issue and focus on protection and promotion of human rights.

53. Torture continued to be practised in Israel, a state of affairs he vehemently denounced, as torture was not to be condoned under any circumstances or in any form. Nevertheless, mention should be made of some positive changes, such as the discontinuation of the most flagrant torture methods, information that had been reported by a sufficiently large number of NGOs to be deemed credible.

54. With regard to the situation of children, a matter to which the Commission drew particular attention at the current session, he stressed that half the Palestinian population was under 15 years of age and that the proportion of children in Palestinian society continued to grow. Nine paragraphs in his report were devoted to the fundamental rights of Palestinian children. Those children were affected by malnutrition, health problems and inadequate education. Some had been killed by Israeli soldiers, others had been given prison sentences for throwing stones. Children in Jerusalem experienced particular difficulties because of problems connected with identity cards and registration of births.

55. It was gratifying to note that at the highest level, the Palestinian Authority was taking the situation of children seriously. The Palestinian High Council for Motherhood and Childhood was drawing up a national plan for those two groups. But in spite of the commitment of a number of NGOs and the aid provided by the international community, more needed to be done. He urged Governments and organizations to give generous support to improving the rights of children in the occupied territories.

56. Mr. RAMLAWI (Observer for Palestine) said that the military occupation of Palestine by Israel was itself a flagrant violation of human rights. That occupation resulted in repressive practices, the chief manifestations of which were: the torture of Palestinians in Israeli prisons; the arbitrary detention of more than 3,000 Palestinians; the confiscation of Palestinian lands to make room for new settlements, particularly in East Jerusalem; collective punishments, including the sealing off of Palestinian lands; and population displacements, especially in Jerusalem, where the process of Judaization of the city verged upon ethnic cleansing. Yet the most dangerous practice engaged in by Israel was the isolation of Palestinian towns and villages from one another through the construction of bypass roads, a genuine system of apartheid that was re-emerging in Palestine after its collapse in South Africa.

57. All those practices were confirmed by the report of the Special Rapporteur, Mr. Halinen, the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and the reports of Amnesty International.

58. Israel perpetrated those human rights violations in contempt of all the agreements it had signed with the Palestine Liberation Organization (PLO) in the framework of the peace process, and of Security Council resolutions 242 (1967) and 338 (1973). Contempt also marked Israel's attitude towards the Commission on Human Rights, the United Nations generally, the Special Committee to Investigate Israeli Practices and the Commission's Special Rapporteur, Mr. Halinen. Israel was the only State that founded itself on contempt for international legitimacy, rejection of the resolutions of the international community and continual violations of the International Bill of Human Rights and of international law.

59. Israel persisted in those practices, which constituted war crimes and crimes against the peace and security of mankind, without risk of punishment at the hands of the international community, and did so because of the influence of the dominant power and because a policy of double standards prevailed in matters of respect for international law. That painful truth could only encourage aggression against peoples, and, in consequence, incitement of those peoples to resist with a view to affirming their rights to freedom, independence and sovereignty over their national territory.

60. Mr. PELEG (Israel) said it was regrettable that the Commission continued to single out Israel by allocating a specific agenda item to the situation in the West Bank and the Gaza Strip, instead of considering that question under agenda item 9.

61. The Wye River Memorandum, based on the principles of security and reciprocity, had been intended to facilitate the implementation of the agreements signed between Israel and the Palestinians. Unfortunately, the Palestinian Authority had not fulfilled its commitment to fight terrorism, and maintained a police force much larger than that permitted under the Interim Agreement.

62. Israel considered that the Special Rapporteur's mandate, which, unlike that of the Commission's other Special Rapporteurs, was open-ended, must be amended. That mandate was also anachronistic, in that it disregarded the fact that by virtue of the agreements concluded between Israel and the PLO more than 97 per cent of Palestinians now lived under autonomous Palestinian administration. Furthermore, there were two sides to the Middle East conflict. The other party, namely, the Palestinian Authority, was guilty of numerous grave violations of human rights which the Special Rapporteur was not authorized to investigate. Moreover, the Special Rapporteur made no effort to verify the information he had received concerning Israel. He himself admitted that that information was hearsay.

63. As for the violations committed by the Palestinian Authority, they ranged from arbitrary detention in overcrowded prisons, without access to lawyers, of anyone who dared to criticize it, to torture or even extrajudicial killings of prisoners in custody. To that list must be added suppression of freedom of speech and discrimination against women and disabled persons. The fact that none of those human rights violations committed by the Palestinian Authority was taken into account by the Special Rapporteur illustrated the one-sidedness of his report.

64. Mr. HÖYNCK (Germany), speaking on behalf of the States members of the European Union, of the central and eastern European countries associated with the Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia - and of Cyprus, said that the European Union was gravely concerned at the impasse in which the Middle East peace process currently found itself. The Union called for immediate implementation of the Wye River Memorandum and a resumption of the negotiations envisaged in the Oslo Accords. It wished to thank the Special Rapporteur for his excellent report on the situation of human rights in the occupied territories, fully subscribed to his assessment that the situation was at the mercy of political considerations, and called upon Israel, in its own interest, to cooperate fully with the Special Rapporteur, whose mandate, as the Special Rapporteur himself had suggested, should be amended when a suitable opportunity arose. Lastly, with regard to the upcoming Conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the European Union reiterated its firm view that the Convention was fully applicable in that conflict.

65. The European Union was convinced that respect for human rights and fundamental freedoms, both by Israel and by the Palestinian Authority, was ultimately crucial to the re-establishment of peace. Yet serious violations of those rights continued in the occupied territories. The use of torture during interrogations, incommunicado detention, demolition of Palestinian homes, restrictions on freedom of movement and discriminatory treatment of Palestinian Jerusalemites - all practices engaged in by Israel - were

unacceptable. Although Israel had ratified the Convention against Torture, the Israeli authorities continued to apply so-called "moderate physical pressure" against detainees in the course of interrogations. The European Union urged Israel to refrain from such practices, which could not be justified by the fight against terrorism. There was no basis for Israel's claim that action in conformity with its domestic legal system could not, by definition, be a violation of its international human rights obligations. As for the Palestinian Authority, it must answer for many acts of torture, incommunicado detentions and detentions without trial. The European Union therefore urged the Palestinian Authority to ensure that its security services complied strictly with universal human rights standards and, in particular, ended the use of torture. Lastly, it urged the Palestinian Authority to reinstate the de facto moratorium on the death penalty, which had been suspended with the execution of Palestinians in August 1998 and February 1999.

66. The establishment of Israeli settlements in the occupied territories had increased considerably in 1998 and was still continuing, despite Israel's stated commitment to the principle of "land for peace". The European Union again called upon Israel to respect that principle, and, in particular, to abandon its plan to expand Jerusalem's municipal boundaries; and also to stop the tendering procedures for the second phase of construction of the Har Homa colony at Jabal Abu Ghneim.

67. The European Union was also very concerned about the Israeli policy of reducing the Palestinian population of Jerusalem, by subjecting Palestinians to discriminatory practices and laws such as the "Law of Entry into Israel", which gave them the status of foreigners. Moreover, although the Oslo Accords referred to the West Bank and Gaza as a single territorial unit, the sealing off of those territories and the need for their inhabitants to obtain permits in order to travel from one area to another damaged the Palestinian economy and made daily life very difficult. Yet economic prosperity in the occupied territories could help reduce violence and halt terrorism. It was to further that end that a Standing European Union-Palestinian Security Committee and a technical cooperation programme with the Palestinian Authority had been set up. That was also the purpose of the financial aid provided to the Palestinian Authority by the European Union, the European Investment Bank and States members of the Union between 1993 and 1998. In the firm conviction that improving the human rights situation in the occupied territories was a means of promoting peace and economic prosperity, the European Union also provided funds to Israeli, Palestinian and joint Israeli-Palestinian NGOs engaged in promoting understanding and equal rights. The European Union thus intended to continue its active dialogue with Israel and the Palestinian Authority in the framework of the peace process. The recent visit to the Middle East by the presidency of the Union testified to that commitment.

68. Mr. LEGWAILA (Botswana) said that the report of the Special Rapporteur, Mr. Hallinen, made discouraging reading. It showed that the Wye River Memorandum, on which hopes for an end to the lengthy stalemate in the Oslo peace process had been pinned, had remained inoperative and that Israel was actively pursuing its policy of "creating facts on the ground", by establishing more and more Jewish colonies in the occupied territories.

69. Botswana, which had no wish to take sides in the Arab-Israeli conflict, and which had always been of the view that the State of Israel had every right to exist in peace and security, nevertheless found it unacceptable that one of the parties should have more rights than the other.

70. Botswana was convinced that there would be no peace between the two communities until Israel abandoned its paternalistic attitude towards the Palestinians and ceased to arrogate to itself the right to decide on the form that the Palestinian people's right to self-determination should take.

71. Botswana unequivocally supported the Oslo peace process and the Wye River Memorandum and had always insisted on recognition of the right of the Palestinian people to self-determination both in word and in deed. The impunity with which Israel demolished Palestinians' houses without justification, rendering them homeless, was extremely disturbing. The practices referred to in the Special Rapporteur's report were unworthy of a democracy such as Israel, and also unworthy of a people whom history had treated so cruelly.

72. In conclusion, his delegation appealed to Israel and the Palestinians to return without delay to the negotiating table. Israel would never enjoy peace so long as the aspirations of the Palestinian people remained frustrated.

73. Mr. ZAKI (Pakistan) said that few disputes in the world had created such prolonged misery and human displacement as the dispute over Palestine and the occupied Arab territories. For decades, millions of Palestinian refugees had been waiting to return to their homeland. Unfortunately, Israel's reluctance to implement successive peace agreements had put an end to hopes of finding a just and equitable solution of the Palestine question and halting human rights violations in the occupied Arab territories. The recent military actions in South Lebanon had only worsened tensions in that sensitive region.

74. The details given by the Special Rapporteur in document E/CN.4/1999/24, which included reports of confiscation of lands, deportations and the establishment of new settlements, confirmed that the Occupying Power violated all the provisions of international law, including those of the Fourth Geneva Convention, with impunity. Discrimination in employment and restrictions on water use and access to markets added to the deprivation of Palestinians living in the occupied territories. The same process of colonization and expulsion could be seen at work in the Holy City of Al-Quds, where an attempt was being made to alter the demographic composition of the city.

75. Pakistan steadfastly supported the Palestinian people's right to self-determination. It believed that realization of that right, together with an early withdrawal from the occupied territories, would facilitate a just and equitable solution to the Palestine question and pave the way for lasting peace and stability in the Middle east. For its part, the international community must reassert its solidarity with the Palestinian people and assist the Palestinian Authority in overcoming the economic difficulties facing it. In order to protect the political and social rights of the Palestinian people, the High Contracting Parties to the Fourth Geneva Convention should ensure

compliance with the Convention, and, in particular, with those of its provisions pertaining to the right of peoples living under occupation to enjoy the use of their lands and economic resources.

76. Mr. BENJELLOUN-TOUIMI (Morocco) said that the 1993 Oslo Accords had provided for a five-year interim period at the end of which a decision would be taken on the final status of the West Bank and Gaza. Yet, as that period neared its end, the negotiations on that question, which were supposed to have begun long ago, had not yet started, and Israel had not undertaken the successive redeployments to which it had committed itself. On the contrary, it was intensifying its policy of establishing settlements in the West Bank and its actions aimed at isolating Jerusalem from the Palestinian territories politically, economically and socially, in flagrant violation of the provisions of the Oslo Accords stipulating that nothing must be done to alter the status quo on the ground. That systematic policy of creating facts on the ground was accompanied by almost daily harassment aimed at humiliating Palestinians, and by collective punishments in breach of the Fourth Geneva Convention.

77. Morocco therefore called upon the Israeli Government to reconsider its decision to suspend implementation of the Wye River Memorandum signed in 1998 with a view to relaunching the peace process. If the Israeli State was sincere in its desire for peace, it must understand that there could be no peace without justice. To view the peace process solely from the security standpoint could only lead to an impasse, for security was just one stage in a greater project to which all the peoples of the region aspired and of which respect for human rights and humanitarian law formed an integral part. The historic breakthrough achieved in 1993 had resulted from a realization that the conflict could not be resolved by force and that a political settlement depended on respect for the international rule of law. The policy of hegemony had already run its course, and was now merely delaying unduly and dangerously a day of reckoning indelibly engraved in the book of History. The international community must thus seek to ensure implementation in good faith of the agreements intended to secure a just and lasting settlement, so as to prevent the stronger party from forcing the weaker to accept what passed for peace but amounted to capitulation. Achievement of a just and comprehensive peace in the Middle East also entailed an end to military action and a withdrawal of the Israeli troops in Lebanon, pursuant to Security Council resolution 425 (1978), as well as a resumption of negotiations on the Syrian front on the basis of Security Council resolutions 242 (1967) and 338 (1973).

78. Mr. ZAFERA (Madagascar) said that the state of affairs depicted by the Special Rapporteur in his report (E/CN.4/1999/24) gave cause for serious concern. Inter alia, in spite of the hopes raised by the signing of the Wye River Memorandum in October 1998, the Special Rapporteur noted in paragraph 20 of his report that there had been no improvement in the situation. On the contrary, the occupied Palestinian territories were witnessing a persistence of the policy of collective punishments, confiscation of lands for the benefit of settlers, use of torture in interrogations and violations of the Fourth Geneva Convention perpetrated against Palestinian prisoners. Promotion and protection of human rights in the occupied Arab territories, including Palestine, were essential to the maintenance and strengthening of security in the region. So long as those rights continued to

be violated and the bases of international law and principles of international humanitarian law flouted, prospects for the restoration of lasting peace in the region would remain remote. The international community must act without delay to ensure that the hopes raised by the signing of the Wye River Memorandum were not dashed. It must ensure that the Occupying Power, Israel, ended the human rights violations for which it was responsible.

79. Ms. ECKEY (Norway) said that the status of the peace process in the Middle East had direct effects on the human rights situation. Thus, failure to implement the peace agreements by one or the other party had often led to violations of fundamental rights. The building of new settlements, the use of torture and administrative detention, terrorism and the closing of borders were interconnected aspects of the same complex reality. Norway attached great importance to the strengthening of democratic institutions, the rule of law and respect for human rights in the Middle East.

80. Israel, as a democratic country, had a vital role to play in that process. While Israelis had long lived with the threat of open confrontation and innocent people were at the mercy of reckless extremists, the use of non-democratic means by one side did not justify the use of such means by the other side. Norway had therefore urged Israel to refrain from the use of torture or "moderate physical pressure" against Palestinian detainees. It also hoped that both the Israeli authorities and the Palestinian Authority would support the efforts of the Special Rapporteur in the future.

81. Norway regularly discussed the question of human rights with the Palestinian Authority. However great the social and economic difficulties facing it, full responsibility for improving the human rights situation in the Palestinian territories rested with the Palestinian Authority.

82. Norway urged the parties to do their utmost to build confidence and cooperation so as to safeguard the spirit of the Oslo Accords. The international community believed that the two parties had both a political and a moral obligation to put the peace process back on track. However great the difficulties to be overcome, the rewards would be worth the effort, whether in terms of prospects for lasting peace, or of the prosperity and welfare of the populations concerned.

83. Mr. CHOWDHURY (Bangladesh) said that although there were tragic times in the history of any people, for the Palestinians those times seemed to be never-ending. The Israeli occupation of Arab territories, including the Syrian Golan and South Lebanon, continued to be a blot on the conscience of the age. The fiftieth anniversary of the Universal Declaration of Human Rights had also marked five decades of occupation of the Palestinian territories and serious human rights violations in those territories. Unfortunately, the hopes raised by the signing of the Wye River Memorandum had been dashed by the Israeli decision unilaterally to suspend implementation of the Memorandum. The Palestinians were caught in a vicious cycle of frustration born of a lack of genuine progress towards peace.

84. In his report (E/CN.4/1999/24), the Special Rapporteur drew attention, inter alia, to the continuing construction of Israeli settlements and the heightened pace of demolition of Palestinian homes, factors that could only

contribute to a worsening of tensions. Concern was also growing at Israel's attempts to influence the outcome of the negotiations on the final status of Jerusalem by altering the demographic, cultural and religious composition of the city. It was alarming to note that the situation of human rights had deteriorated since the start of the peace process. There was now an urgent need to revitalize that process with a view to achieving a genuine peace founded on the rule of law, morality and justice. It had been said time and again that lasting peace in the Middle East could be achieved only through the realization of the legitimate right of the Palestinian people to self-determination and to an independent State in what had always been and remained their homeland.

85. It had become clear that a piecemeal approach had not been conducive to a settlement of the Palestinian question. Bangladesh believed that only a comprehensive solution, based on mutual confidence and taking account of the economic, social and security interests of all the parties, could guarantee a just and lasting peace. The fiftieth anniversary of the Geneva Conventions could provide an opportunity for convening a conference of High Contracting Parties to the Fourth Convention aimed at securing its application in the occupied Arab territories, including Palestine. As a party to those Conventions, Bangladesh was ready to play an active part in such a conference with a view to bringing an early end to the human suffering in the occupied territories.

86. Israel, which also persisted in its refusal to cooperate with United Nations human rights mechanisms, should recognize that its intransigence would lead it nowhere. Bangladesh would never tire of repeating that the solution to the Palestinian question was to be found in cooperation and reconciliation, not in hatred and brutality. It believed that the people of Israel, who like any other people aspired to live in peace, shared that opinion. Sooner or later, peace and justice would triumph and the prolonged suffering of the Palestinian people would come to an end. The Commission could and must contribute in every possible way to that end.

87. Mr. TCHOUMAREV (Russian Federation) said that in the view of his country, which was one of the sponsors of the peace process, only the principles of a peaceful settlement set out in the Oslo Accords and Security Council resolutions 242 (1967) and 338 (1973) could guarantee peace and prosperity in the Middle East. In other words, only a comprehensive peace that took account of political, social and economic factors as well as the security concerns of the two parties could guarantee a lasting settlement of the question. Realization of the right of the Palestinian people to self-determination and to an independent State were the keys to that settlement, and the best way of achieving it was to bring the negotiations on the final status of the West Bank, the Gaza Strip and the city of Jerusalem to a successful conclusion.

88. Establishment of the rule of law and civil society under the occupation was no easy task. While endorsing the Special Rapporteur's view that the Israeli occupation of the Palestinian territories was the root cause of human rights violations in the area, the Russian Federation could not but be concerned at the reports of a deterioration in the human rights situation in areas under the control of the Palestinian Authority. That being said, the expansion in the number of settlements, and of roads linking the settlements to one another and to Jerusalem, worsened tensions in the occupied

territories, while confiscation of lands and the destruction of the agricultural infrastructure hampered realization of the Palestinians' right to development. Israel's failure to comply with its obligations under humanitarian law was another source of concern. The Conference of High Contracting Parties to the Fourth Geneva Convention scheduled for July 1999 should provide an additional opportunity to consider that aspect of the question. It was also regrettable that Israel refused to engage in a constructive dialogue with the international human rights mechanisms or to take account of the recommendations of such eminent bodies as the Committee against Torture. The Russian Federation was ready to participate in international efforts to put the Middle East peace process back on track, to contribute to a resumption of the talks between Israel and the Syrian Arab Republic and to promote a settlement of the conflict in South Lebanon.

89. Ms. DIALLO (Senegal) said that when, in 1947, the United Nations had decided to divide Palestine into an Arab State and a Jewish State, it had accorded both the Palestinian and the Israeli people the right to sovereignty and self-determination. One of the keys to the search for a just and lasting solution was thus recognition by each party of the legitimate right of the other to self-determination, a fundamental right that had been at the root of the creation of several States Members of the United Nations. In order for the Palestinians to be able at long last to enjoy that inalienable right, the occupation of their territory must cease. The creation of a viable, democratic and peaceful Palestinian State was also the best guarantee of security for Israel.

90. The continuation of the peace process nevertheless required scrupulous respect for human rights. The President of the Palestinian Authority had repeatedly committed himself to respecting international human rights standards, and in particular the provisions of the Universal Declaration of Human Rights. It was for the international community to support the efforts being made by the Palestinian Authority to meet the humanitarian, economic and social needs of the population. On the other hand, one could not seek to ensure peace and security by such means as violations of human rights, expropriation, establishment of new settlements, sealing off of territories, arbitrary arrests or ill-treatment of detainees. The report of the Special Rapporteur (E/CN.4/1999/24) contained details in that regard which should assist the Commission in contributing positively to the promotion of human rights in the region.

91. The road to peace was strewn with obstacles. Nevertheless, from the Madrid Conference to the Wye River Memorandum, by way of the Oslo Accords, some firm common ground had been found. To encourage the peace process was to give the Palestinian and Israeli leaders the means with which to overcome the disagreements that persisted. Senegal had spared no effort to achieve that goal, for it was more than ever attached to the virtues of dialogue and respect for human dignity and human rights which alone could promote the climate of peace and brotherly understanding to which the peoples of the region aspired.

The meeting rose at 1 p.m.